

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
)	
Defendant.)	

PLAINTIFF ePLUS INC.’S MOTION TO ENFORCE PRIOR COURT ORDERS

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure, Rules 402, 403, and 701 of the Federal Rules of Evidence, and prior Court Orders, Plaintiff ePlus Inc., (“ePlus”) respectfully moves the Court to exclude testimony and evidence that has either been excluded by the Court already or is clearly inadmissible in light of recent Court orders. Defendant Lawson Software, Inc. (“Defendant”) has expressed its intention to introduce at trial (1) excluded expert non-infringement and invalidity opinions in the guise of lay witness testimony through Jeff Hvass and Richard Lawson; (2) expert testimony from Keith Knuth that runs afoul of the Court’s directive limiting Mr. Knuth’s testimony “just to source code”; and (3) testimony, including expert opinions, regarding the J-CON and P.O. Writer systems that is inadmissible in light of recent Court Orders..

ePlus therefore respectfully requests that the Court grant this motion and enter an Order (1) excluding Mr. Hvass from testifying at trial; (2) precluding Mr. Lawson from testifying about prior versions of the Lawson systems; (3) limiting Mr. Knuth’s testimony to those few

paragraphs of his expert report in which he analyzes the accused source code; (4) precluding Defendant from offering testimony or other evidence concerning the now inadmissible J-CON system; (5) precluding Defendant from offering testimony or other evidence concerning its allegation that the P.O. Writer system renders obvious any asserted claim; and (6) precluding Defendant from offering testimony or other evidence concerning its allegation that P.O. Writer prior art anticipates claims 3, 28 and 29 of the '683 patent.

Respectfully submitted,

December 7, 2010

/s/

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Counsel for Plaintiff, ePlus, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December, 2010, I will electronically file the foregoing

PLAINTIFF *ePLUS INC.*'S MOTION TO ENFORCE PRIOR COURT ORDERS

with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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